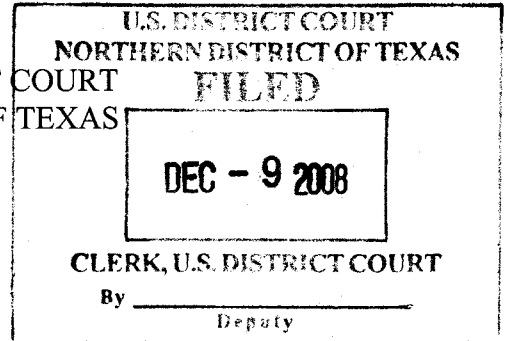


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



BRIAN STEPHEN KIRABIRA,

Petitioner,

v.

IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Respondent.

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2:08-CV-0082

**ORDER ADOPTING REPORT AND RECOMMENDATION,
and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Came for consideration the federal habeas corpus application filed by petitioner BRIAN STEPHEN KIRABIRA. On October 31, 2008, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the instant habeas application be dismissed as duplicative. No pleading identified as objections to the Report and Recommendation have been filed as of this date, however, petitioner did file correspondence with the Court on November 5, 2008 requesting the Court's leniency. Such correspondence did not challenge the basis for the recommendation of dismissal.

The undersigned United States District Judge has made an independent examination of the record in this case. The Magistrate Judge's Report and Recommendation is hereby ADOPTED and the petition for a writ of habeas corpus is hereby DISMISSED.

IT IS SO ORDERED.

ENTERED this 9th day of December 2008.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE